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ABSTRACT

To prepare for the possibility of further campus unrest and disorders, the American Association of State Colleges and Universities (AASCU) held a series of regional seminars in the summer of 1970. About 70 presidents and other administrators attended each of the seminars. Their major concern was not the repression of student dissent but finding ways of dealing with disorders so as to protect students' rights and lives and yet satisfy the need for order on the campuses. All seminar discussions were based on the premise that the maintenance of order is an essential obligation of the administration of colleges and universities. The participants discussed ways of preventing disorders before they occur and it was agreed that the most important step is student involvement in decisionmaking. Some specific suggestions included the creation of the office of ombudsman and improving internal communication with such measures as an administration newspaper. Discussion was also concerned with advance preparation for dealing with student disorders and centered on the formulation of clear policies on student rights and responsibilities and a detailed plan of action for handling disorders including the use of campus police and outside police, and the use of injunctions. (JMF)

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This report reviews the findings of a series of regional meetings to consider institutional strategies for preserving and maintaining the integrity of our colleges and universities. The participants explored avenues of countering potential efforts to disrupt campus function.

September, 1970

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MAINTAINING CAMPUS ORDER AND INTEGRITY

AASCU STUDIES 1970/4

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MAINTAINING CAMPUS ORDER AND INTEGRITY

Introduction

As the 1970-71 academic year begins, college and university administrators face a difficult problem: how to maintain order on their campuses while protecting the rights of students and avoiding methods that will cause more students to join the ranks of campus radicals. Of primary importance to all participants was the maintenance of institutional integrity and academic freedom. All work in this field must be founded on good will, as one participant put it.

State colleges and universities—the members of the American Association of State Colleges and Universities (AASCU)—have not suffered as much disorder as some of the better known private and public institutions. It was generally agreed, however, that student unrest is not going to end soon and only a few observers expect it to ease.

To prepare for this possibility, the AASCU held regional seminars this summer in Massachusetts, Atlanta, and Denver. One more seminar is planned for Chicago.

About 70 presidents and other administrators attended each of the first three seminars. Their major concern was not the repression of student dissent but finding ways of dealing with disorders so as to protect students' rights and lives and yet satisfy the need for order on the campuses.

All seminar discussions were based on the premise that the maintenance of order is an essential obligation of the administration of colleges and universities.

What follows are some of the ideas and suggestions that came out of the first three seminars. The views expressed are those of participants and not necessarily of the Association.

Ways of Preventing Disorders Before They Occur

The most effective way to deal with student disorders is to make them unnecessary. While campus administrators are powerless to deal with many problems that concern students, such as the war in Vietnam or the racial crisis, there are some steps they can take to alleviate student dissatisfactions on the campuses. As one president said, "The real challenge is how to channel student unrest into positive channels toward positive objectives."

It was generally agreed that the most important step is student involvement in decision-making.

"This could be, I am sure, a meaningless exercise insofar as students are concerned," said one president, "but students need to have the opportunity for responsible participation in the affairs of the institution. At the same time, we in administrative positions need to be responsive to the concerns and interests of the students. If there is an opportunity for students to participate in a responsible fashion, it seems to me that this provides an avenue for making some badly needed changes in the academic world, and in the structure of our academic institutions."

Toward this end, one administrator advocated the creation of a university-wide senate. "The senate at least gives us a group of students and faculty people who are elected on the campus and who we can assume have some credibility of being representative on the campus," he said. "If you have no such vehicle, you are in bad trouble. Also it is a forum. And it is as a forum that we intend to use it most."

Beyond the general feeling that students must be involved in decision-making, some specific suggestions were made on easing campus tensions. Two of them:

1. **Create the office of ombudsman.** Such a person is technically empowered to investigate and resolve student grievances. In practice, said an administrator whose campus has one, the ombudsman "serves as a traffic cop," telling students which officials can resolve their problems. This, he said, is "because nine-tenths of the problems students have come from not knowing where to take a problem and getting no human response when they take it to the wrong window."

2. **Improve internal communications.** One good method is for the administration to publish a newspaper, a step taken by a number of institutions in the past year. Such an official newspaper of record would contain official notices and statements, texts of reports of committees and task forces, and reports on meetings. Many believe a newspaper is better read than mimeographed documents or leaflets.

While they sought steps they could take to alleviate student grievances, some administrators added that there are many campus problems they can't deal with. "The power of administrators to alter in any fundamental way the academic environment on the campus is rather severely limited," said one president. "There has been a steady erosion in recent years of presidential power and authority." He pointed out that, on most campuses, the content of the curriculum, admissions and graduation requirements, the hiring of faculty members, and faculty tenure and promotion are all in the hands of the faculty. In addition, student discipline is being handled by faculty and students, or sometimes students alone, on more and more campuses.

Advance Preparation for Dealing with Student Disorders

The key to preparing for student disorders, said one administrator whose institution has had several, is "to remember the obvious." He added, "All I am saying is, don't get caught in a situation where you do not know well in advance of any crisis precisely what your resources are, the personalities that control them, and the steps you have to go through to get help, even down to how much time it takes."

The administrators generally agreed that two steps are absolutely essential in advance preparation for disorders:

(a) the formulation and distribution of a clear policy on student rights and responsibilities, and

(b) the formulation of a detailed plan of action for handling disorders.

Some specific items which should be included in advance planning include:

1. **Coordination with law enforcement officials.** The best method is regular meetings between law enforcement officials and campus administrators to develop personal contact between the two groups and understandings about procedure. The items which should be discussed in such meetings include:

   (a) when outside law enforcement officers will come on the campus and whether they will come without being called or who within the administration will call them;

   (b) what manpower is available from each agency;

   (c) how long it takes them to get onto the campus; and

   (d) what kind of equipment–guns, mace, tear gas, etc.–the enforcement agencies will use and particularly whether they will carry loaded weapons.

2. **Campus police.** A competent campus security force is necessary because they must deal with students every day and therefore often behave differently from local police. They can establish rapport with students through meetings, bull sessions, and other informal contacts, although it must always be kept in mind that they are law enforcement officers. One campus police official said he trained upper division students as auxiliary campus police. Another said foot patrols are better than cruisers, if feasible. Several security officers advocated close coordination between campus police and the student

affairs office, particularly in regard to drawing the line between their responsibilities. One institution had a written agreement; another, daily meetings. If the institution is small enough, one officer said, the police should report directly to the president. If not, the campus police should have emergency authority to bypass intermediate officials and go directly to the president.

3. **Advance determination of institutional policy** on negotiations, amnesty, suspending classes, and special issues which may be raised by students.

4. **Having alternative facilities available from which to run the institution.** Because students frequently occupy or threaten to occupy the administration building during a crisis, administrators should have one or more places to which they can go and still have the full facilities to run the institution and deal with the crisis. Such facilities should be close to the center of the campus and include communications equipment, rest rooms, and provision for food and drink. Telephone calls should be automatically switched from regular administration offices to the alternate headquarters during a crisis.

5. **Maintaining internal communications.** Telephones, typewriters, and copying and duplicating equipment should be available. One administrator said a tape recorder should also be available for the president or other officials to tape statements for broadcast over campus and local radio stations. Walkie-talkies are also useful, particularly for maintaining communications with campus and local law enforcement officials on the scene. In recent years most student disruption groups have used walkie-talkies.

6. **Rumor center.** Rumors usually sweep a campus during a crisis and many institutions have set up rumor centers, usually staffed by specially selected and trained students or staff under professional supervision. Their job is to handle questions called in by students and answer them. If they don't have the information, they get it and call the questioner back. It is especially important to make sure that the rumor center stops rumors, rather than spreads them, which some administrators said has happened. Some institutions operate their rumor centers year round, not just during a crisis.

Use of Police

The most important point in using police or other outside force, said one state government official, is to use "a minimum of violence and a maximum of restraint."

In an emergency, a large force of police should be standing by, preferably on the outskirts of the campus. This should be used sparingly, yet in sufficient strength to assure dominance over dissident groups. To be avoided are situations in which police become beleaguered by student groups and are thereby induced to resort to more drastic measures.

A large force is usually preferable to a small one when dealing with large crowds. A large crowd cannot be controlled by a small group of officers without violence, but a large contingent can usually handle such a crowd with a minimum of physical harm to anyone.

The amount of force to be used in response to violence by demonstrators should be determined in advance. "It is imperative that all officers on duty know how they are to react to physical and vocal abuse," one panelist said.

A single law enforcement official, probably designated by the governor, should be in command of all the law enforcement units involved, a state official said. In choosing this person, he said, "the personal qualifications are of greatest importance, not rank or title."

One state official said that when a crisis reaches the point where large numbers of outside police must be used, the governor should be in overall charge because "only a seasoned and emotionally stable veteran is capable of keeping a clear focus on the crisis." Shifting the ultimate responsibility away from the college president makes his position more comfortable, and provides a "safety valve which may be just the release he needs to give him more time to patch up his machinery and prepare for the restoration process."

Another state official advised against the use of the National Guard by itself because the Guard usually lacks the necessary training. The Guard should be used to back up state and local police and should never be issued ammunition.

Several administrators warned that too much use of police may polarize an already divided academic community. One administrator said the mere presence of outside force near his campus during a crisis polarized the campus. These police units were never used but were just standing by.

Use of Injunctions

"Injunctions thus far have probably proved the most effective legal remedy in ending student disturbances," said one state official.

Advantages of injunctions:

1. The battle is shifted from the campus to the courthouse, where traditional rules and procedures govern the conflict. Thus far, most demonstrators have been willing to have the controversy transferred to the courtroom and have expended their energy on the court case.

2. An injunction gives the demonstrators a way of ending a demonstration without "running up the white flag" or being jailed.

3. Although police must be brought in if the injunction is physically resisted, several officials said they felt it is better for the police to come in at the order of a court than at the request of the institution. Said one official: "Most students do not identify with the police but they do identify with the courts. They have seen social change come out of the courts and they respect the courts."

4. Contempt-of-court citations issued when an injunction is violated are a faster enforcement device than criminal trials.

How to get an injunction:

As with other aspects of dealing with disorders, advance preparation is most important.

The primary step is to have an attorney who is prepared in advance to get an injunction on short notice. If there is advance warning of the disturbance, such an attorney can be in court requesting the injunction within an hour after the demonstration begins. The delay is necessary to tell the students that an injunction is being sought so that they have the opportunity to have lawyers in court to argue against it. If this opportunity is not made available to them, it could nullify the injunction.

One campus administrator said it is best to get in touch with a judge ahead of time, explain the kind of help you might need, find out from him what steps you must take, and make arrangements to get hold of him during an emergency.

The college administration should provide its attorney with the names of as many of the persons involved in the disorder as possible. Other evidence, such as tape recordings and photographs, should be made available to the attorney to help demonstrate to the judge that there are serious disorders which require an injunction.

One state attorney made several special recommendations on the use of injunctions:

1. Use them sparingly.

2. Select, if the choice is yours, a court or judge respected by the students, rather than one that will simply give you any injunction you request.

3. Do not seek an injunction that is too broad or too vague. Ask for no more than you have a right to ask so that you do not run the risk of reversal.

4. Be prepared to seek enforcement of an injunction if it is violated. Any injunction which is violated without contempt citations weakens its use by all college administrators.

Some Other Things To Keep in Mind in Dealing with Disorders

1. **Presidential leadership.** "At a time when your institution is plunged into very severe crisis," said one administrator, "the only person who can really reassure everybody or stand up and say something worthwhile is the president." This administrator told of one demonstration on his campus where the president prepared a long statement in response to the demonstrators' demands, explaining what was already being done in these areas. The president went out to read the statement to the crowd with this result: "They were tremendously surprised to see him. He got a great cheer when he arrived. They listened to that statement. He actually stayed and answered some questions. He got an enormous hand when he finished. And everybody went away except for about 80 radicals who were left there with their signs and not. ng." In this administrator's view, this combination of the president speaking directly to the students and not just "saying nice things" but actually answering their demands and questions is the kind of visible presidential leadership that is needed during a crisis.

2. **Consultation with student groups, the faculty, and trustees.** The president can spend all his time consulting with these groups and never have time to make any decisions. This consulting should be delegated to other administrators. For example, the dean of the faculty or academic vice president could talk with the faculty and the dean of students with student government and other student groups.

3. **Assistance from faculty and students.** Faculty and student marshals have proven very effective in defusing situations on many campuses. They can often persuade students to cease a disruptive activity and faculty marshals in particular can be a safeguard against police overreaction. These marshals must be carefully selected and well-trained, however.

4. **The press.** Several suggestions were made:

   (a) have a press kit that provides basic information about the institution and names and titles of top administrators and faculty leaders;

(b) provide some of your own coverage of the crisis to give reporters background;

(c) the president shouldn't spend too much time dealing with the press;

(d) never give exclusive information to an individual reporter because the others will resent it and turn against you;

(e) arrangements should be made, probably through law enforcement officials, for providing credentials for reporters.

Campus Rules and Regulations

What authority does the college administrator possess? "Courts have consistently ruled that college and university administrators have an inherent authority to maintain order and freedom on the campus and to discipline, suspend, and expel students whose conduct is disruptive," said one legal expert.

What types of activity have the courts said colleges and universities may not limit? Students have the right to demonstrate as long as they do not substantially interfere with the ongoing activities of the institution or the rights of others or engage in destruction of property. "In attempting to curb student demonstrations," a legal expert said, "the burden is on the institution to show that the actions of the students are indeed unlawful."

The courts have also held that universities cannot

(a) place "blanket prior restraint" on the rights of speech or assembly;

(b) censor student newspapers, even if those newspapers are given money by the state; or

(c) restrict hair styles or beards unless they present a danger to "health, welfare, morals, or discipline."

According to the courts, what must colleges and universities do to provide due process?[1] The institution must have rules which are not vague or overly broad, give the student written notice of the charges against him and the time and place of the hearing, and provide a hearing at which he has the opportunity to defend himself and present testimony or witnesses. What constitutes a hearing may vary with each case; it need not be a full court-type trial proceeding.

[1]For a much more detailed statement on procedural due process for students, see Thomas C. Fischer, "Due Process in the Student-Institutional Relationship," AASCU Studies Series No. 3, July 1970. Available from AASCU, $2.50.

The courts have held that student disciplinary proceedings are civil rather than criminal proceedings and therefore do not necessarily require all of the judicial safeguards of criminal proceedings, a legal expert said.

Specifically, due process does not require cross-examination of witnesses, right to legal counsel, rules against self-incrimination, precise rules of evidence such as rules against hearsay evidence, or trial by a jury of the student's peers.

Colleges and universities may employ immediate interim suspension of a student but only on the basis that the student's continuing presence on the campus presents a danger to himself, others, or property. If interim suspension is used, a hearing must be held soon, probably within one to three days, and the student must be given an opportunity to show that his presence does not constitute a danger.

This legal expert specifically recommended term or indefinite or conditional suspension over expulsion. Use of expulsion invites stronger legal response and the issue of whether a place in a state supported institution is a form of *property* and is therefore specifically covered by the Fifth and Fourteenth Amendments to the U.S. Constitution.

Due process has not been required by the courts in dismissal proceedings based on scholastic standards.

Recommendations made by some of the participants for the development of campus rules and regulations:

1. They should be published in the college catalogue, the student handbook, or in some other way that makes them available to all students.

2. They should be relevant to the lawful aims and purposes of the institution.

3. They should not be patterned after the criminal laws nor overlap them. It is probably sufficient to say that conviction of the violation of a state or federal criminal law on the campus is grounds for suspension or expulsion. Local considerations and the seriousness of the crime will probably determine whether the violation of laws off the campus should be grounds for suspension or expulsion. Colleges are probably on shaky legal ground when they discipline a student for being accused of a crime before he or she is convicted.

4. If a student decides to waive a hearing, he should be required to sign a written waiver stating that he is aware of his rights and is waiving them.

5. The student should be given a written report on the results of the hearing.

6. If the hearing is not held before the ultimate administrative authority of the institution, then a procedure for appeal to that authority should be made available.

7. Advice of legal counsel should be sought when student conduct codes are developed.

8. Students should be involved in developing codes of student conduct to ease fear of overrestrictive policies or repression.

9. Faculty members and administrators should not be completely removed from student disciplinary matters. "Almost everything that happens on a campus has educational implications," said one president. "If a faculty is genuinely interested in providing an atmosphere which will facilitate education, then it seems to me that they have to take some responsibility for the kind of atmosphere that exists on the campus."

While the subject of campus police arose most often in connection with campus disturbances, the general question of the relationship of campus police to the rest of the academic community was of great interest. Following are points made at one of the seminars by the security director of a large public university.

Campus police, it was pointed out, have tremendous potential either to create a good situation or to cause more problems. The conduct of policemen helps determine what sorts of crises arise and how they'll be handled.

The status of the campus police must be set out in writing. The statute or other document should specify the campus force's objectives, duties, and chain of command.

Campus policemen must have police power, including authority to arrest people on campus under appropriate circumstances. This authority is assigned by state legislatures to public institutions in some states; in others, it can be delegated by city or county police officials.

Another formal relationship that should exist is a memorandum of understanding between the campus law enforcement agency and the student affairs office. It should be made clear that the campus police agency enforces the public law, while the student affairs office handles cases involving breaches of school discipline. These two functions should be clearly separated.

More important than such formal relationships are the informal interactions between policemen and the rest of the campus community.

Whether they realize it or not, police serve a teaching function on campus. They can serve as a model of what a police force should be, and should therefore strive for excellence just as every academic department strives for excellence in its work.

Policemen must be intelligent and motivated. At one university cited as an example, campus policemen are required to either have a college degree, or be enrolled as a student in the university. The police force at this school includes seven graduate students; the rest are undergraduates. One of the most effective officers was an undergraduate in philosophy who actively participated in anti-war demonstrations when he was not on duty.

Hiring students as policemen works well because students are usually the only large labor force of young people who have a genuine interest in that community, and who do not have antagonistic feelings toward other students. Students themselves also respond positively when they get to know members of the police force as fellow students.

The students on the force must be thoroughly trained, however, in both law enforcement techniques and community relations, attitudes in dealing with people. Members of the police force must be professionals.

They should also be able to provide services which complement their law enforcement activities. One campus equips the station wagons used by policemen with a complete array of rescue apparatus, including resuscitators. Such equipment is used about once every day. This not only conveys an awareness that university officials are interested in helping with personal problems, but also has been credited with saving several lives.

Police should be adequately equipped, but such necessary tools as revolvers should not be worn ostentatiously. Guns and uniforms should not be regarded as ways to impress other people with the policeman's toughness.

In general, the policemen should personally hold the belief that all people have basic rights, including people with long hair and bell-bottomed trousers. Both training and psychological testing help assure that campus policemen hold such attitudes. Only with such attitudes will police be able to enforce the law evenly—and it is necessary to demonstrate that police will arrest a faculty member or administrator who breaks the law as readily as they will a student.

A final factor in building good informal relationships is truth. Police operations should not be secret. Records should be kept of all police actions. There should be no attempt to cover up crimes committed on campus. If the campus law enforcement agency is doing its job, there is no reason for the university to be embarrassed. If police act improperly, this should be admitted and steps taken publicly to correct the situation.

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